

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
INTER-OFFICE MEMO

TO: Beverly Najarian, Director DATE: March 10, 2006

DEPT: Administrator

FROM: Dennis Gertsmeier, Acting Chairman

DEPT: Division of Motor Vehicles

SUBJECT: HEARING BOARD RESULTS

Please be advised of the following matters which were heard before the board on Thursday March 9, 2006. Also be advised the following people were present during the hearings: Legal Counsel Susan Wilson Esq., Division of Legal Services and the Hearing Board members: James Botvin, Dennis Gerstmeyer, and Lt. David Palmer of the Rhode Island State Police.

Absent was Walter Craddock, Esq., and Thomas P. Ricci

1. J & L Auto Sales, LLC. – First Application:

Decision: The Board granted J & L Auto Sales, LLC the first

application to deal in used motor vehicles only located at 139 Railroad St. Manville, RI 02838. Also allowed to display vehicles across the street from the dealership. This license was granted subject to a door between the dealership and a pizza place remaining sealed and locked and/or blocked at all times.

2. Simon Auto Group . – Annex Application:

Decision: The Board granted Simon Auto Group the Annex application to deal in used motor vehicles only, located at 4115 Mendon Road, Cumberland, RI 02864.

Not allowed to sell new motor vehicles at this location.

3. Banner Buick GMC Saab Inc., - request to display motor vehicles at a location other than the licensed dealership.

Decision; The Board granted Banner Buick GMC Saab, Inc., their request to display motor vehicles on March 31, April 1, and April 2, 2006 at the Salt Water Angler Fishing Show at The Rhode Island Convention Center. This request was granted subject to no salesman being present.

4. Erica Da Silva v. Bald Hill Subaru-Dodge. – Complaint / Show Cause

Decision: The Board finds that it does not have jurisdiction over this matter, and that this matter belongs in Superior Court.

5. Paula Porreca v. Lincoln Dodge, Inc. – 2nd Rescheduled Hearing

Remanded back to rule on the motion for reconsideration on the November 10, 2005 board decision to dismiss with prejudice.

Decision: The Board granted the motion, and a hearing on the merits will be scheduled.

6. Cyber Auto Sales.- Show Cause Hearing

Remanded hearing on July 24, 2003 hearing.

Decision: After reviewing evidence and hearing testimony, the Board revoked the dealers' license and dealer plates of Cyber Auto Sales.

The Board found that the parties to the original complaint settled the matter prior to the original hearing.

The Board also found the dealership in violation of RIGL §31-5-11 (1), (3), (7), and (10), as well as Rules and Regulations Section VI, Sub-section (L), salesperson/agent; Section VI, Sub-section (L), paying cash for vehicles; and Section VI, Sub-section (Q) display of vehicles other than at the place of business.

7. Cyber Auto Sales .- Show Cause Hearing:

Decision: The Board found Cyber Auto Sales on the 3rd appearance before the Board with multiple violations.

It was the decision of the Board revoke the license and dealer plates of Cyber Auto Sales, and to fine the dealership as follows:

For a violation of RIGL §31-3-20, misuse of dealer plates, a fine of \$500.00

For two violations of Rules and Regulations Section VI, Sub-section (L), salesperson/agent, two fines of \$500.00 each, for a total of \$1,000.00

8. Kimberly Cutri v. Lincoln Auto Sales & Service, Inc., - Complaint / Show Cause Hearing:

This matter was settled by the parties prior to the hearing.

9 Irene Hazard v. Ziggy's Auto Sales.- For discussion only.

This Matter was postponed due to lack of quorum on this case

Dennis Gertsmeier

Acting Chairman

cc: Charles F. Dolan, Administrator, Division of Motor Vehicles

John DiTomasso, Assistant Administrator – DMV

Joseph I. Monteiro, Chief, Enforcement/Regulations – DMV

Susan Wilson, Esq., Division of Legal Services – DOA

Sandra Murphy-Crowe, Administrator of Adjudication – DOA

Stacy DiCola, Office of the Secretary of State

File